

BEST AVAILABLE COPY**REMARKS**

This Reply under Rule 116 is responsive to the final Office Action¹ dated December 30, 2005. Claims 1-31 were presented for examination and were rejected. No claims are amended, added or canceled. Claims 1-31 are pending.

Claims 1-31 are finally rejected under 35 U.S.C. §103(a) as being un-patentable over U.S. Patent 6,853,714 to Liljestrand et al. (hereinafter "Lil") in view of U.S. Patent 6,789,118 to Rao (hereinafter "Rao"). Applicants respectfully traverse this rejection for the following several reasons.

I. LIL AND RAO ARE NOT PROPERLY COMBINABLE

Briefly, on the one hand, Lil relates to apparatus and method for providing enhanced telecommunication services (title) to subscribers by implementing an enhanced services platform on a local network exchange within the public telephone network. On the other hand, Rao relates to a multi-service network switch with call policy based routing, the switch being capable of providing multiple network services from a single platform. Accordingly, Lil and Rao provide solutions to inherently different problems and the services provided by Lil are quite different from the services provided by Rao.

With respect to the ISO (International Standards Organization) OSI (Open Systems Interconnection) networking protocol hierarchy, Lil's disclosure is directed to operation within

¹ The Office Action may contain a number of statements characterizing the cited references and/or the claims which Applicants may not expressly identify herein. Regardless of whether or not any such statement is identified herein, Applicants do not automatically subscribe to, or acquiesce in, any such statement. Further, silence with regard to rejection of a dependent claim, when such claim depends, directly or indirectly, from an independent claim which Applicants deem allowable for reasons provided herein, is not acquiescence to such rejection of that dependent claim, but is recognition by Applicants that such previously lodged rejection is moot based on remarks and/or amendments presented herein relative to that independent claim.

layer six (presentation) and layer seven (application) - call treatment services. But, by contrast, Rao's switch disclosure is directed to operation within layer two (data link) and layer three (network) routing services. Accordingly, one of ordinary skill in the art in reading Lil and seeking a solution to a missing domain policy in Lil, would not be motivated by any disclosure in Lil, directed to protocol layers six and seven, to seek that solution by searching in Rao's disclosure describing protocol layers two and three.

Furthermore, there would not be a reasonable expectation or likelihood of success in operation of a solution derived from such a combination of references because the protocol layers in the references do not match each other. Moreover, *arguendo*, even if the references were combinable, which they aren't, the alleged "domain policy" suggested by the Examiner to be taught by Rao is non-existent for reasons given below.

II. APPLICANTS' DOMAIN POLICY VS. RAO'S CALL POLICY AND/OR DOMAIN NAME

The final Office Action states that "Lil fails to teach explicitly domain policy. However, Rao teaches multi-service network switch with policy based routing. Rao teaches domain policy (column 8, line 58 to column 9, line 3)." (final Office Action, page 3). Applicants agree with part of this statement - Lil does not teach domain policy. In fact, the word "domain" does not appear even once in Lil. But, Applicants respectfully disagree that Rao teaches a multi-service network switch with domain policy based routing, for the following reasons.

"FIG. 3 is an exemplary flow diagram for processing a connection request coming into the switch of FIG. 1. The program starts, and in step 50, the connection manager 46 detects an incoming call in one of the physical ports of the FM 10 (the receiving FM). In step 52, the connection manager 46 notifies the resource manager 38 in the receiving FM 10 of the incoming call. The resource manager 38, in step 54, searches a call policy database for a call policy record corresponding to the incoming call. The call policy record includes various parameters which dictate how the call is to be routed. Different policies may be applied based on the inlink of the call, a telephone number, a domain

name, a source address, a destination address, and the like.” (Rao, col. 8, line 58 - col. 9, line 3; Emphasis added.)

This section of Rao is relied-upon by the final Office Action (in combination with Lil) to reject independent claims 1, 8, 14, 19 and 24. Except for claim 14², each of these claims recites “domain policy,” but this section does not disclose or suggest “domain policy” regardless of its use of both terms - “policy” and “domain”. A careful reading of this section shows that a “call policy” is being discussed in the context of a “call policy database” and a “call policy record”. The other reference to “Different policies” in this section is still a reference only to “call policies”. Indeed, the above-quoted language “Different policies may be applied...” really means “Different [call] policies may be applied...” because there can be no other reasonable interpretation. The only “policy” discussed in this entire section of Rao is call policy. (Rao’s call policy is further discussed below and is contrasted with Applicant’s domain policy, after discussion of Rao’s “domain name.”)

In the last sentence in the above section of Rao, a list of items is given upon which applied call policies may be based. This list includes: “inlink of the call, a telephone number, a domain name, a source address, a destination address, and the like.” (emphasis added). It is abundantly clear that the expression “domain name” is nothing more than an identifier of a domain, just as the “telephone number” identifies the source or destination of a telephone call, the “source address” identifies the address of a source, the “destination address” identifies the address of a destination, etc. In general, a “domain name” (an identifier), by itself, has nothing to do with domain policy which includes a set of rules applicable to members of that domain. In Rao, the domain name identifier is being used only as one of several possible factors upon which to base its call policy. The term “domain policy” does not appear in Rao and the separately used

² Claim 14 recites “authorization policy” rather than “domain policy” and is discussed later in the instant response.

terms “domain” used with “domain name” and “policy” used with “call policy” should not be mis-construed together to allegedly suggest “domain policy.” That is plainly wrong.

Call policy is discussed in Rao in column 14 and is routing-path-selection limited. Depending on the characteristics of a connection request such as an inbound access channel or link, a calling or called telephone number, a domain name, a source address, a destination address, etc., a router can be selected based solely on which of these connection requests is involved. Indeed, in call-policy based routing, packets are forwarded to a specific router based, for example, on a called telephone number. Thus, call policy based routing defines a routing path within Rao’s switch without the need to refer to a separate routing table. (column 14, lines 1-12) The Rao switch maintains a call policy database that determines how a dial-up connection is handled. Call policy parameters allow selection of specific routers to which all user traffic should be directed. The call policy database is preferably configured as a plurality of call policy records, each record defining a unique profile for a set of users requiring system access.

From this description of call policy, it is clear that it is not a description of Applicants’ “domain policy” which is policy applied by that domain’s manager to calls mapped to that particular domain. Applicants’ domain policies for a particular domain are rules which have broad control over call activity in that particular domain, such as restricting subscriber access to certain services. This is essentially different from mere routing-path selection. Referring to Applicants’ specification, examples of “domain policy” are provided:

Associated with each domain is a domain manager 206, 208. Domain managers 206, 208 can apply domain policies to calls mapped to their domain by a domain mapper 210. These policies can restrict subscriber access to different services. For example, a domain manager 206, 208 may implement a policy that denies access to a service 204 for subscribers that are behind in their payments. (specification, ¶[0024], emphasis added)

In the above example, this domain policy can restrict certain services based on payment information, e.g., can operate to deny access for subscribers who have not paid their phone bill.

The domain manager 206, 208 associated with the subscriber's domain can apply its domain policy to the call, for example, to act as a "gatekeeper" by authorizing or denying access to a call service 204 provided by server 200. A domain manager 206, 208 policy may specify conditional logic (e.g., "IF" statements) expressed in Java or some other programming language and may access a wide variety of information to apply its policy. For example, a policy may have access to a subscriber's profile that stores a wide variety of subscriber demographic and business related information. (specification, ¶[0029], emphasis added)

In the above example, the rules of Applicants' domain policy can be applied to a call to authorize or deny access to a particular service based on a subscriber's demographic and business-related information. For that purpose, a subscriber profile can store all kinds of demographic and business information related to subscribers and domain policy can allow access to that information for that purpose. By comparison, Rao's "domain name", a mere identifier of a domain, cannot access, or allow access to, such a profile. But a "domain policy" can permit access to that profile. And Rao's "call policy" that automatically routes calls to one router versus another based solely on whether it is routing to, for example, a called telephone number versus a calling telephone number, certainly cannot access such a profile - it has absolutely nothing to do with application of Applicants' domain policy.

FIG. 4 illustrates sample operation of application server 200. In the scenario of FIG. 4, application server 200 provides a subscriber with access to a service 204, here voice-mail. As shown, a subscriber uses a computer 214 to "dial" a phone number of a voice-mail messaging service provided by application server 200. Network 100 routes the call packets from computer 214 to softswitch 106 associated with this phone number. Service provider interface 212 presents the originating phone number of the subscriber. In this example, by identifying the originating phone call as the phone number of a subscriber of subscriber domain #1, the domain manager 208 of domain #1 can apply the domain policy for subscriber domain #1 to the call. As shown, domain manager 208 authorized access to voice-messaging service 204 sought by the caller. (specification, ¶[0032], emphasis added)

In the above example, it is clear that domain policy can be applied to a domain by the domain manager as needed- in this instance based on identification of the subscriber as belonging to subscriber domain #1. The identification is a function of the subscriber's telephone number, and

the subscriber can be given access to voice mail. By contrast, Rao's domain name cannot be applied to domains as needed - it merely identifies one domain.

FIG. 8 illustrates operation of application server 200. Domain mapper 210 initially maps a call from IP telephone 270 to subscriber domain 208. As shown, application of the policy of subscriber domain 208 results in a determination that the subscriber's call should be granted access to a particular service 282. This service 282 may reside within service domain #2. Thus, the corresponding service domain manager 264 applies its policy to the call. This policy may include, for example, logic that grants access to subscribers of a particular domain (e.g., Verizon™ subscribers) but not subscribers of another domain (e.g., Sprint™ subscribers). Assuming application of the service policy permits access, service 282 handles the call. (specification, ¶[0037], emphasis added)

In this example, Verizon subscribers can be in one domain and Sprint subscribers can be in a different domain, where application of a service domain manager's policy to the call demonstrates the granting of access to only one of the two company's subscribers.

Therefore, in view of the above various examples, it is submitted that Rao's "domain name" or "call policy" is not equivalent to Applicants' recited "domain policy."

Moreover, Rao's "domain-based routing" is not Applicant's "domain-policy based routing." In column 14, lines 12-17, Rao discusses domain-based routing which authenticates or identifies a user as belonging to a particular domain as a function of that user's login information. This is nothing more than what was disclosed in Rao and discussed above. This "domain-based routing" does not disclose the "policy" of the domain, but merely routes packets from a particular user to a designated router based on that user's inclusion in a particular domain.

By contrast, Applicants' "domain-policy based routing" is completely different from Rao's "domain-based routing" because domain-policy based routing takes into consideration a wide variety of factors, and applies the rules of a particular domain policy to a particular user input, or subscriber input, in accordance with the operation of Applicants' invention as sketched-out above and as fully presented in its specification. Domain-policy includes the rule set which

can be applied to that domain which, thereafter, can be the set of rules under which the domain operates until application of that domain policy is changed by the domain manager. Thus domain-policy based routing cannot be domain-based routing.

There is one additional distinction between Rao and Applicants' claim language to be made. Independent claim 14 uses the term "authorization policy" which is tied-into Applicants' "domain-policy."

As shown in FIG. 5, domain manager 208 can apply its policy to any event or condition involving a domain, not just in-coming calls. For example, FIG. 5 illustrates a service 204, here a notification service, that automatically faxes a reminder letter to a subscriber's fax machine 224 at a specified time. As shown, rather than receiving call information from softswitch 106, domain manager 208 receives call information from service 204. Again, based on call information, such as the destination fax telephone number, domain mapper 210 can select a particular domain involved by the call. In turn, domain manager 208 of selected subscriber domain #1 can apply its domain policy to the call to determine whether service 204 can proceed. As shown, after authorization, service 204 can initiate and control a call to subscriber's fax machine 224."

As disclosed above, application of "domain policy" is made to the call to determine if a fax notification service can proceed. If yes, the service is authorized. If not, the service is not authorized. Thus, "authorization policy", as recited in claim 14, results from application of, and/or is equivalent to, "domain policy."

In accordance with MPEP 2143, to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicants'

disclosure. And, all three of these basic criteria must be met - if any one is not met the prima facie case of obviousness is not made.

In this instance, for reasons given above there is no motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.

Furthermore, for reasons given above, there is no reasonable expectation of success if the references were combined.

Finally, for reasons given above, the prior art references, even if combinable (which they aren't), do not teach or suggest all of the claim limitations of independent claims 1, 8, 14, 19 and 24. Consider each independent claim, assuming, *arguendo*, combinability:

Claim 1 recites, interalia: "based on the information corresponding to the call, selecting a domain policy, the domain policy applying to a set of subscribers; and handling the call in accordance with the selected domain policy", emphasis added. Lil and/or Rao, taken in any reasonable combination do not disclose or suggest domain policy, much less domain policy applying to a set of subscribers and, therefore, do not disclose or suggest at least these elements of claim 1.

Claim 8 recites, interalia: "defining a set of at least two domains, at least some of the domains having a domain policy; receiving information corresponding to a call at the application server outside the PSTN; determining one or more domains that apply to the call; and applying policies associated with the determined domains to the call", emphasis added. Lil and/or Rao, taken in any reasonable combination do not disclose or suggest domain policy, much less determining one or more domains that apply to a call nor applying policies associated with the determined domains and, therefore, do not disclose or suggest at least these elements of claim 8.

Claim 14 recites, interalia: “one or more aggregation domains, at least some of the domains having an associated authorization policy” (emphasis added). As discussed above, authorization policy, results from application of, and/or is equivalent to, “domain policy.” Since Lil and/or Rao, taken in any reasonable combination, do not disclose or suggest domain policy, then those references cannot disclose or suggest authorization policy derived therefrom. For at least this reason, the combination of Lil and Rao does not disclose or suggest at least this element of claim 14.

Claim 19 recites, interalia, “define a set of more than one domains, at least some of the domains having a domain policy; receive information corresponding to a call received at the application server outside the PSTN; determine one or more domains that apply to the call; and apply policies associated with the determined domains to the call” (emphasis added). Lil and/or Rao, taken in any reasonable combination do not disclose or suggest domain policy, much less applying policies associated with the determined domains to the call. For at least this reason, the combination of Lil and Rao does not disclose or suggest at least these elements of claim 19.

Claim 24 recites, interalia, “selecting a domain policy for said each one of said calls, based on the information corresponding to said calls to obtain a selected domain policy for said each one of said calls, each said selected domain policy applying to a set of subscribers of one of said one or more telecommunications service providers; and handling each of said calls in accordance with said selected domain policy” (emphasis added). Lil and/or Rao, taken in any reasonable combination do not disclose or suggest domain policy, much less applying selected policy to a set of subscribers or handling each of the calls in accordance with that selected domain policy. For at least this reason, the combination of Lil and Rao does not disclose or suggest at least these elements of claim 24.

In view of the above, Lil and/or Rao, taken in any reasonable combination (even though they are not combinable in the first place), do not disclose or suggest independent claims 1, 8, 14, 19 and 24.

Accordingly for the three reasons given above, a prima facie case of obviousness has not been established. Applicants, therefore, respectfully request that the rejection of these claims under 35 U.S.C §103(a) be withdrawn and the claims allowed.

Claims 2-7 are dependent from claim 1 and are allowable at least for reasons based on their dependency from an allowable base claim.

Claims 9-13 are dependent from claim 8 and are allowable at least for reasons based on their dependency from an allowable base claim.

Claims 15-18 are dependent from claim 14 and are allowable at least for reasons based on their dependency from an allowable base claim.

Claims 20-23 are dependent from claim 19 and are allowable at least for reasons based on their dependency from an allowable base claim.

Claims 25-31 are dependent from claim 24 and are allowable at least for reasons based on their dependency from an allowable base claim.

III. LIL PRIOR ART APPLICATION SERVER NOT SUFFICIENTLY DISCLOSED

Turning next to a completely different argument from that given above, in Applicants' previous response filed on October 12, 2005, it was argued that all claims call for an application server which is connected outside of a PSTN, but Lil shows its application server clearly within its PSTN 102. The Examiner was not persuaded by this argument: "...examiner respectfully disagrees. Lil discloses that application server can be either within the PSTN or outside the PSTN (column 1, lines 59-62)." (final Office Action, page 16)

“The traditional service platform 100 is shown positioned outside of the PTN 102 due to the lack of flexibility in services traditionally provided by the PTN 102, as described above.” (col. 1, lines 59-62, emphasis added).

This section of Lil is discussing its prior art and it is agreed that its prior art Fig. 1 does show a services platform outside of a PTN. Applicants had previously pointed this out in the footnote on page 10 of their previous response. In that footnote, it was explained that the prior art Fig. 1 of Lil depicts a “traditional” service platform. Although Lil uses numerical designator “100” to identify this traditional service platform and uses the same “100” designator to identify the non-traditional service platform positioned inside the PTN, in Applicants’ opinion, this is at least misleading and may be an error. Indeed, using the same designator on both platforms suggests that both platforms are identical - i.e., precisely the same. This is not feasible.

Applicants submit that a “traditional enhanced” platform configured or architected to be positioned outside a PTN cannot be identical in all respects to a “non-traditional enhanced” platform configured or architected to be positioned inside a PTN. There must be differences between the two based at least on the different environments in which the two are operating - at least the communication links between each platform and its environment are not identical when positioned inside or outside a PTN. For example, Fig. 2 shows a link between platform 100 and Service Transfer Point (STP) 120 within PTN 102 of Fig. 2, which is not needed/used and therefore not shown in prior art Fig. 1. And there can be other substantive operational differences within the platform itself, as well³. As pointed out in that footnote of the previous response, there is no detail supplied in Lil regarding the inner construction of the traditional service platform. However, the Examiner is basing his rejection solely on the inner workings of

³ For example, an IP based application server, such as that shown outside the PTN can have a richer set of domain policies than those associated with a PTN based server (inside the PTN). The IP based application server’s domain policies are based on, or applied to, service domains where each such domain can have its own domain policy. This is one example of a major difference between an IP-environment-based server and a PTN-environment-based server. Regardless, there are no domain policies disclosed in Lil, as admitted by the Office Action.

the traditional platform located outside the PTN, about which no information is supplied in Lil while, at the same time, is using Lil's disclosure of the non-traditional platform about which certain specifics are provided in Lil. For example, on page 3 of the final Office Action, with reference to claim 1, it applies column 6, lines 16-21, 33-40 and 52-55 against various elements of claim 1, but these sections of Lil are referring to Fig. 4 which depicts non-traditional platform 100 within PTN 102: "With reference now to Fig. 4 of the drawings, there is illustrated in greater detail the service platform 100 shown in Fig. 2." (Lil, col. 5, line 66 - col. 6, line 1) Fig. 2, however, shows non-traditional platform 100 located within PTN 102. Thus, the applied sections of Lil disclose the non-traditional platform, but the depicted configuration relied upon by the final Office Action is the traditional platform.

Therefore, because no detail (nothing more than a rectangular block) of the traditional platform located outside of a PSTN is disclosed, Applicants respectfully submit that Lil cannot be reasonably relied-upon to disclose or suggest Applicants' claimed subject matter which is limited in all pending claims to being positioned outside of a PSTN.

As previously noted, in accordance with MPEP 2143, to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicants' disclosure. And, all three of these basic criteria must be met - if any one is not met the prima facie case of obviousness is not made.

The arguments against combinability of these references have been made above. Furthermore, for reasons given above, Lil does not disclose or suggest an application server in any reasonable detail outside of a PTN (i.e., PSTN) as claimed in any of the pending claims. Therefore a prima facie case of obviousness has not been established for this additional reason wherefore the rejection of all pending claims under 35 U.S.C. § 103(a) should be withdrawn and the claims allowed.

CONCLUSION

In view of the foregoing remarks, reconsideration and allowance are respectfully requested. If there are any remaining issues or if the Examiner believes that a telephone conversation with Applicants' attorney could be helpful in expediting the prosecution of this application, the Examiner is invited to call the undersigned at (972) 718-4800.

It is believed that extensions of time or fees for net addition of claims are not required, beyond those which may otherwise be provided for in documents accompanying this paper; however, in the event that additional extensions of time are necessary, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a).

The Commissioner is hereby authorized to credit any overpayment or charge any deficiencies to Deposit Account Number 07-2347.

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Respectfully submitted,



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